

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Caleb Whitfield,

Plaintiff,

Case No. 3:24-cv-244

v.

District Judge Thomas M. Rose

Sergeant Evers, *et al.*,

Magistrate Judge Karen L. Litkovitz

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 19 & 20), GRANTING DEFENDANTS' MOTION TO CORRECT CERTIFICATE OF SERVICE (DOC. 17), DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION (DOC. 18), GRANTING PLAINTIFF'S MOTION TO AMEND, (DOC. 12), DIRECTING THE CLERK OF COURT TO FILE PLAINTIFF'S AMENDED COMPLAINT (DOC. 12- 1) AS A SEPARATE DOCUMENT IN THE DOCKET RECORD OF THIS CASE AND DIRECTING DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO THE AMENDED COMPLAINT WITHIN 21 DAYS OF ITS BEING DOCKETED.

Pending before the Court are two issues: Report and Recommendation (Doc. 19) from Magistrate Judge Karen L. Litkowitz and Report and Recommendation (Doc. 20) from Magistrate Judge Karen L. Litkowitz to which Defendants Sergeants Evers and Eversole

(Doc. 22) have objected. Plaintiff, an inmate currently at the Toledo Correctional Institution, in Toledo, Ohio, has brought a *pro se* civil rights action for alleged violations of his rights while he was a pretrial detainee at the Montgomery County Jail in Dayton, Ohio.

The Court has reviewed the findings of the Magistrate Judge and considered the objections filed by Plaintiff (Doc. 9) and Defendants. (Doc. 22).

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a *de novo* review of the record in this case. Upon consideration of the foregoing, the Court **ADOPTS** both Report and Recommendations (Doc. 19 & 20) in their entirety. In adopting the first (Doc. 19), the Court **DENIES** Plaintiff's Motion for Reconsideration (Doc. 18). In adopting the second (Doc. 20), the Court **GRANTS** Plaintiff's Motion to Amend, (Doc. 12) and **GRANTS** Defendants' Motion to Correct Certificate of Service. (Doc. 17).

The Clerk of Court is **DIRECTED** to file plaintiff's amended complaint (Doc. 12-1) as a separate document in the docket record of this case and Defendants are **DIRECTED** to answer or otherwise respond to the amended complaint within 21 days of its being docketed.

DONE and **ORDERED** this Wednesday, May 14, 2025.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE